

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00419

Jeffery Wade Gordon,
Petitioner,

v.

Director, TDCJ,
Respondent.

O R D E R

This habeas corpus action, which represents the consolidation of two separate petitions filed by petitioner, was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). On September 3, 2024, the magistrate judge issued a report recommending that the petition be dismissed as untimely and that a certificate of appealability be denied. Doc. 35. The magistrate judge further recommended that the statute of limitations be tolled for 60 days on a potential civil-rights claim referenced in the petition. *Id.* at 8. Petitioner did not file written objections.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The petition is dismissed with prejudice as to the habeas claims but without prejudice as to any potential civil-rights claims. Any motions that may be pending are denied as moot. To the extent that the limitations period applicable to petitioner's potential civil-rights claim set forth in ground two of his amended petition had not expired before that petition was filed, the civil-rights limitations period for that claim is tolled for 60 days from entry of this order.

The clerk of court shall enter a copy of this order in the companion case, *Gordon v. Lumpkin*, No. 6:22-cv-00441 (E.D. Tex. Nov. 17, 2022).

So ordered by the court on December 17, 2024.



J. CAMPBELL BARKER
United States District Judge